



CHIEF EXECUTIVE RECRUITMENT COMMITTEE AGENDA | 2023

Notice is hereby given that an Ordinary Meeting of the 11th triennium (2022-2025) Chief Executive Recruitment Committee will be held on:

Date: Thursday, 22 June 2023
Time: 9.00am
Location: Council Chamber
13 Tuku Road
Waitangi
Chatham Islands

MEMBERSHIP

CHAIRPERSON

Mayor, Monique Croon

MEMBERS

Deputy Mayor Keri Lea Day
Councillor Celine Gregory-Hunt
Councillor Amanda Seymour



TERMS OF REFERENCE

CHIEF EXECUTIVE RECRUITMENT COMMITTEE

1. Definitions

- 1.1 “Act” means the Local Government Act 2002
- 1.2 “Chief Executive” means the individual appointed by Council under s 42 of the Act
- 1.3 “Committee” means the Chief Executive Recruitment Committee
- 1.4 “Council” means Chatham Island Council
- 1.5 “Terms of Reference” means this document and the terms contained therein

2. Purpose

- 2.1 To promote efficiency and effectiveness in the conduct of Council’s business by acting for, and advising, the Council on matters which relate to the recruitment of Council’s Chief Executive.

3. Operating Principles

- 3.1 Membership of the Committee will comprise of:
 - a. one Chair; and
 - b. one Deputy Chair; and
 - c. two Councillor
- 3.2 Members are to be appointed by Council.
- 3.3 Council may appoint additional Members to the Committee for any such period of time that Council deems appropriate and where doing so is considered appropriate to enable the Committee to discharge its purpose and/or duties and responsibilities.

4. Membership

Members	Three Councillors (including Mayor and Deputy Mayor) + fourth member Mayor, Monique Croon Deputy Mayor, Keri Lea Day Councillor Celine Gregory-Hunt Councillor Amanda Seymour
Quorum	In accordance with Council Standing Order 11.2, the quorum at a meeting of the Committee is to be no fewer than 2 members of the Committee and requires at least one member of the quorum to be a member of Council.
Meeting Frequency	As required to fulfil the purpose, and discharge the responsibilities, of the Committee.
Reporting to	Council

5. Duties and Responsibilities

5.1 The Committee will:

- a. following consultation with Council, undertake such precedent tasks, as are necessary and appropriate in the circumstances, to enable Council to exercise to its power to appoint the Chief Executive. This includes, but is not limited to:
 - i. developing and presenting to Council, for Council's ultimate approval, a process for the recruitment and appointment of a Chief Executive;
 - ii. carrying out or implementing any such process relating to the recruitment and appointment of the Chief Executive;
 - iii. providing recommendations to Council, as the Committee sees fit, in accordance with clause 7 of these Terms of Reference;
- b. develop and carry out the process for the Chief Executive's term expiry following consultation with Council;
- c. if and when appropriate, engage a consultant to assist the Committee at any time; and
- d. do all other things necessary to effect the matters set out in this clause 5.1.

6. Delegations from Council to the Committee

6.1 Council is required to monitor the functioning of all Council committees or joint committees, including the Committee.

6.2 Council will consider matters not within the delegation of the Committee.

6.3 Council may, from time to time, revoke or modify a delegation to a Council committee or joint committee, including this Committee. Such revocations or modifications may be permanent, or for a specified period of time, and/or be for the purpose of addressing a specific matter, if there is good reason to do so.

6.4 The powers delegated to the Committee by Council will be, at all times, subject to the current policies and principles or directions given by Council, from time to time.

7. Power to Make Recommendations

7.1 The Committee may, as it deems appropriate, make recommendations to Council and/or any standing committee.

7.2 The Committee Chair may refer to Council any urgent matters, which would ordinarily be considered by the Committee.

8. Power to Act

8.1 The Committee is required to review these Terms of Reference at least once every five years or at such a time that the current (for the time being) Chief Executive resigns from that role, whichever is sooner, and, if the Committee considers it appropriate or necessary, make recommendations to Council regarding any changes or amendments to them.

8.2 The general delegations to the Committee exclude any specific decision-making powers that are delegated to another Committee of Council or Joint Committee.

8.3 The Committee's power to act under these Terms of Reference is subject to an overriding duty to comply with the Act, and where these Terms of Reference are inconsistent with the Act, the Act shall prevail.

9. Limitations on Committee Powers

9.1 Pursuant to Clause 32(1) of Schedule 7 of the Act, the following matters are prohibited from being delegated to the Committee by Council:

- a. the power to make a rate; and
- b. the power to make a bylaw; and
- c. the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; and
- d. the power to adopt a long-term plan, annual plan, or annual report; and
- e. the power to appoint a chief executive; and
- f. the power to adopt policies required to be adopted and consulted on under the Act in association with the long-term plan or developed for the purpose of the local governance statement; and
- g. the power to adopt a remuneration and employment policy.

9.2 Therefore, and for the avoidance of doubt, the Committee does not have the delegated authority to decide the following matters in relation to the Chief Executive:

- a. the Chief Executive's job description and associated job specifications; or
- b. the appointment process for the role of the Chief Executive; or
- c. the appointment and remuneration package of the preferred candidate for the position of Chief Executive.

9.3 The Committee may make recommendations to Council regarding the matters referred to at subclause 9.2, above, in accordance with clause 7, above, however, the ultimate decision on these matters remain with Council.

Document History and Version Control

Version	Date Approved	Approved By	Brief Description
1.	15 December 2022	Chatham Islands Council	Terms of Reference for a new Committee

Karakia

Kia hora te marino
Kia whakapapa pounamu te moana
Hei huarahi ma tatou I te rangi nei
Aroha atu, aroha mai
Tatou I a tatou katoa
Hui e! Taiki e!

*May peace be widespread
May the sea be like greenstone
A pathway for us all this day
Let us show respect for each other
For one another
Bind us all together!*

AGENDA
Thursday 22 June 2023

2. Conflicts of Interest	7
3. Minutes from the Previous Meetings	7
4. Resolution to go into Public Excluded	10
5. Next Meeting	12
6. Mihi/Karakia Whakamutunga - Closing	12

2. Conflicts of Interest

Members are reminded to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

3. Minutes of the Previous Meetings - 15 February and 10 May 2023

Date of meeting	Thursday, 22 June 2023
Author	Petrea Downey, Committee Advisor, Environment Canterbury

Purpose

1. The previously circulated minutes from the Committee meetings on 15 February 2023 and 10 May 2023 are to be confirmed.

Recommendations

That the Chief Executive Recruitment Committee:

1. **Confirms the minutes from the Chief Executive Recruitment Committee meetings held on 15 February 2023 and 10 May 2023.**
2. **Resolve that the Mayor and Deputy Mayor can sign off the minutes for this meeting, as this is the last scheduled meeting of the Chief Executive Recruitment Committee.**

Attachments

- 3.1 Unconfirmed minutes of the Chief Executive Recruitment Committee meeting of 15 February 2023.
- 3.2 Unconfirmed minutes of the Chief Executive Recruitment Committee meeting of 10 May 2023.

**Meeting of the Chatham Islands Council CE Recruitment Committee
on 15 February 2022 held at 13 Waitangi Tuku Road, Chatham
Islands, at 2pm Chatham Islands time.**

Contents

1. Karakia
2. Apologies
3. Conflicts of interest
4. Unconfirmed minutes of the Chief Executive Remuneration Committee on 18 January 2023
5. Exclusion of the public
6. Date of next meeting
7. Closure

Present:

Mayor Croon, Deputy Mayor Keri Day, Cr Amanda Seymour, Cr Celine Gregory-Hunt,
Management and officers present:
Graeme Nelson (People & Capability Advisor, ECan), Sue Allen (People & Capability Business
Partner, ECan).

Karakia / Opening:

The meeting opened with a karakia.

Apologies:

Mayor Croon noted that there were no apologies and no conflicts were noted.

Conflicts of interest:

No conflicts interest were expressed by attendees.

Minutes of previous meeting:

RESOLVED

That the Chief Executive Recruitment Committee:

1. Confirms and adopts as a true and correct record, the minutes from the Public
Included Chief Executive Recruitment Committee meeting on 18 January 2023.

Moved by Deputy Mayor Day and seconded by Cr Seymour

CARRIED

Exclusion of the public

RESOLVED

That the Chief Executive Recruitment Committee:

1. That the public be excluded from the following parts of the meeting:
 - a. Minutes from the Chief Executive Recruitment Committee meeting on 18 January 2023 with the public excluded; and
 - b. The process for the appointment of the new Chief Executive.

Moved by Cr Gregory-Hunt and seconded by Deputy Mayor Day

CARRIED

The general subject of the matters to be considered while the public is excluded, the reasons for passing this resolution and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item No.	Report	Reasons for passing this resolution in relation to each matter	Grounds under section 48(1) for the passing of this resolution
1	Minutes from the Chief Executive Recruitment Committee meeting on 18 January 2023 with public excluded	Good reasons exist under section 7	Section 48(1)(a)
2	The process for the appointment of the new Chatham Islands Council Chief Executive	Good reasons exist under section 7	Section 48(1)(a)

This resolution is made in reliance on section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceeding of the meeting in public are as follows:

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Item No.	
1	Protection of privacy of natural persons – section 7(2)(a)

The meeting went into public excluded session from 2.15pm until 3.30pm.

Next Meeting

The next meeting date is to be confirmed.

Closure

The Chair declared the meeting closed at 3.40pm Chatham Islands time.

CONFIRMED 22 JUNE 2023

Her Worship the Mayor Monique Croon
Chatham Islands Council

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CHATHAM ISLANDS COUNCIL CHIEF EXECUTIVE RECRUITMENT COMMITTEE

Minutes of an Extraordinary Meeting of the Chief Executive Recruitment Committee, held in the Te Waihora Room, Environment Canterbury, 200 Tuam Street, Christchurch, on Wednesday 10 May 2023, commencing at 2.03pm

Present: Her Worship the Mayor, Monique Croon
Deputy Mayor, Keri Lea Day
Councillor Celine Gregory-Hunt

**Apologies for
Absence:** Councillor Amanda Seymour

In Attendance: Sue Allen, People and Capability, Environment Canterbury
Roz Grant, People and Capability, Environment Canterbury
Catherine McMillan, General Manager Governance, Environment Canterbury
Petrea Downey, Committee Advisor, Environment Canterbury

1. Karakia Opening
Refer page 5 of the agenda.

The meeting opened with a Karakia.

2. Conflict of Interest
Refer page 7 of the agenda.

There were no conflicts of interest recorded.

3. Minutes from the Previous Meeting - 28 April 2023
Refer pages 7-9 of the agenda.

Staff recommendation adopted without amendment.

Resolved

That the Chief Executive Recruitment Committee:

1. Confirms the minutes from the Chief Executive Recruitment Committee meeting held on 28 April 2023.

Deputy Mayor Day/Cr Gregory-Hunt
CARRIED

4. Resolution to go into Public Excluded
Refer pages 10-11 of the agenda.

Staff recommendation adopted without amendment.

Resolved

That Catherine McMillan, General Manager Governance, Sue Allen, People and Capability, Petrea Downey, Committee Advisor, Roz Grant, People and Capability all from Environment Canterbury be permitted to remain at this meeting after the public have been excluded for all items of the public excluded agenda as they have knowledge that is relevant to those items and will assist the Committee.

AND

That at 2.05pm the resolution to exclude the public set out on pages 10-11 of the agenda be adopted.

Mayor Croon/Deputy Mayor Day
CARRIED

The public were re-admitted to the meeting at 2.07pm.

5. Next Meeting

The next meeting of the Committee will be held on Thursday 22 June 2023 at 9.00am.

6. Mihi/Karakia Whakamutunga - Closing

Meeting concluded at 2.08pm

CONFIRMED 22 JUNE 2023

Her Worship the Mayor Monique Croon
Chatham Islands Council

4. Resolution to go into Public Excluded

Recommendations

Section 48, Local Government Official Information and Meetings Act 1987.

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items listed overleaf.

Reason for passing this resolution: good reason to withhold exists under section 7.
Specific grounds under section 48(1) for the passing of this resolution: Section 48(1)(a)

Note

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

- “(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):
- a) Shall be available to any member of the public who is present; and
 - b) Shall form part of the minutes of the local authority.”

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item No.	General subject of each matter to be considered	Section	Subclause and Reason under the Act	Plain English reason	When report can be released
7.	Unconfirmed Public Excluded Minutes - Chief Executive Committee - 15 February 2023 and 10 May 2023			Refer to the previous public excluded reason in the agendas for these meetings.	Any decisions recorded in the minutes will be released separately dependent on specified criteria being met.
8.	Chief Executive Candidate Recommendation	Good reason to withhold exists under Section 7	7(2)(a) To protect the privacy of natural persons 7(2)(b)(ii) Would likely unreasonably prejudice the commercial position of the person who is the subject of the information. 7(2)(g) To maintain legal professional privilege. 7(2)(i) Conduct of negotiations 7(2)(j) Prevention of improper advantage	The report contains details of the applicants who have applied for the position and their names, details and evaluations must be kept in public excluded to protect them and the process.	This report cannot be released from public excluded at any time.

AND

That Catherine McMillan, General Manager Governance, Sue Allen, People and Capability, Petrea Downey, Committee Advisor and Roz Grant, People and Capability, all from Environment Canterbury, be permitted to remain at this meeting after the public have been excluded for all items of the public excluded agenda as they have knowledge that is relevant to those items and will assist the Committee.

5. Next Meeting

The Committee does not have a next meeting scheduled. If a Committee meeting is required, this will be publicly advertised on the Chatham Island Council Facebook page.

6. Mihi/Karakia Whakamutunga - Closing

The meeting will conclude with a karakia by a member of the Committee.